

# PUBLIC NOTICE

**DATE OF POSTING:** March 27, 2024

**The attached General Bylaw approved at the September 29, 2011 Ashfield Special Town Meeting has been approved by the Office of the Attorney General and is now in effect in the Town of Ashfield.\***

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within 90 days of the above posting date. Copies of the attached bylaw may be obtained from the Town Clerk's office at Town Hall or by visiting [Ashfield.org](http://Ashfield.org) (Documents / Select Board / Ashfield Bylaws).



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Alexis Fedorjaczenko  
Town Clerk

**September 29, 2011 - SPECIAL TOWN MEETING:**

General Bylaw:

Article 5 to enact the "Stretch Energy Code"

\* By oversight this bylaw was not submitted to the Attorney General nor included in the Ashfield General Bylaws in 2011 after it was passed at Town Meeting. This has now been corrected.

IX. Costs – In every case the owner shall assume responsibility for costs incurred necessary to comply with this by-law. The Owner shall be responsible for all costs of recovering and properly disposing of any hazardous material that has discharges and for all costs of restoring the environment, including ground water and surface water to an acceptable condition.

X. Severability – In the event that any provision of this by-law shall be deemed invalid, unreasonable or unenforceable by any court of competent jurisdiction, such provision shall be stricken from the by-law or modified so as to render it reasonable, and the remaining provisions shall continue in full force and effect and be binding so long as such remaining or modified provisions reflect the intent of the parties and are valid under existing law.

STRIPPING LAND OF SOIL AND LOAM

12/12/1967 SECTION 1. No person, firm or corporation shall strip, sever, remove or convey away any soil, loam, sand or gravel from any land in the Town not in public use, unless and until such stripping, severance, removal or conveyance away, is first authorized by a permit issued by the Selectmen of Ashfield, except in conjunction with construction or a building on the parcel or except in conjunction with the development, improvement or landscaping of said land, or except for the continued operation of an existing sand and gravel pit. No such permit shall be issued unless and until an application therefore has been filed with the Board. Said Board shall then hold a public hearing on the application, and notice of the filing of the application and the date and time of the holding of the public hearing thereon, shall be advertised, forthwith, at the expense of the applicant, in a newspaper published in the County, seven days, at least, before the meeting.

SECTION 2. The penalty for violation of this By-Law shall be as follows; for the first offense, fifty dollars (\$50.00); for the second offense one hundred dollars (\$100.00) and for each subsequent offense, two hundred dollars (\$200.00).

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STRETCH ENERGY CODE

9/29/2011 passed Town Meeting - 3/26/24 AG Approved - 3/27/24 Posted & Effective

**Section 1 Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for efficiency, and is updated on a three-year cycle, Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

NEW  
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**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

### **Section 2 Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

### **Section 3 Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with CMR 780 13,34,51, as applicable.

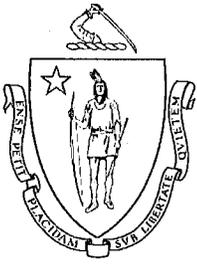
### **Section 4 Authority**

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

### **Section 5 Stretch Energy Code**

The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Ashfield General Bylaws.

The Stretch Energy Code is enforceable by the inspector of buildings or building commissioner.



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
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ANDREA JOY CAMPBELL  
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March 26, 2024

Alexis Fedorjaczenko, Town Clerk  
Town of Ashfield  
412 Main Street, P.O. Box 560  
Ashfield, MA 01330

**Re: Ashfield Special Town Meeting of September 29, 2011 -- Case # 11308  
Warrant Article # 5 (General)**

Dear Ms. Fedorjaczenko:

**Article 5** - We approve Article 5 from the September 29, 2011 Ashfield Special Town Meeting.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Nicole B. Caprioli*

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cc: Town Counsel Donna MacNicol